

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE – Art Unit 1651
Attorney Docket No. 54367.8001.US01

REMARKS

In the Office Action dated May 19, 2004, the Examiner rejected pending claims 14, 16-19, and 24-29. The present Amendment and Response is timely filed, since the due date for reply without extensions is August 19, 2004.

Applicant has amended claim 14. This amendment is supported throughout the specification as filed and as such adds no new matter. For example, support for the amendment may be found at: page 1, lines 8-9; page 3, lines 5-6; and page 4, lines 3-4.

A. Rejections under 35 U.S.C. §103

Claims 14, 16-19, and 24-25 are rejected under 35 U.S.C. §103 as unpatentable over Bowlin et al (6,592,623 B1) in view of Vacanti et al (6,348,069 B1). According to the Office Action, Bowlin discloses the production of engineered muscle for use as an implant to replace dysfunctional muscle tissue. This is accomplished by culturing stem cells or muscle cells to form muscle tissue in the presence of a matrix. Vacanti discloses the production of engineered tissues by expanding bovine, ovine, or lamb muscle cells in culture, seeding the cells on a scaffold, and growing the cells to confluence. The Office Action states that the engineered muscle tissue produced by these methods is inherently meat that can be consumed. Claims 14, 16-19, and 24-25 are rejected in light of these references because they do not require a step wherein the subject consumes the meat product as nutrition.

Claims 26-29 are rejected 35 U.S.C. §103 as unpatentable over Bowlin and Vacanti in view of Skaar et al (5,746,649) and Naughton et al (5,863,531). According to the Office Action, Skaar discloses that meat contains fat cells and connective tissue dispersed throughout the muscle tissue, while Naughton discloses growing stromal cells with cells of another type on a support to form stromal tissue, and then inoculating the support with tissue specific cells. The Office Action states that it would have been obvious to included fat and cartilage cells with the muscle cells when producing the non-human meat product of claims 26-29. The fact that these claims depend on claim 14 is not sufficient to traverse this rejection, based on the rejection of claim 14 set forth above.

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Applicant submits that the §103 rejections set forth above have been overcome by the amendment to claim 14. Counsel for Applicant spoke to Examiner via telephone on June 22, 2004 to discuss possible claim amendments. Counsel proposed adding an additional step to claim 14 requiring consumption of said meat product by said subject for nutritional purposes. This proposed amendment was based on Examiner's comments in the Office Action. Examiner was amenable to the proposed amendment, and optimistic that such an amendment would be sufficient to overcome the obviousness rejections. The language of the amended claim mirrors Examiner's suggestions as closely as possible.

CONCLUSION

In view of the foregoing, it is submitted that the present claims are in condition for allowance. Accordingly, Applicant respectfully requests that a Notice of Allowance be issued.

Respectfully submitted,
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